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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,135

01/24/2005

Akira Yukawa

Q85896

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EXAMINER

LIE, ANGELA M

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/522,135

Applicant(s)

YUKAWA ET AL.

Examiner

Angela M. Lie

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-7 and 9 is/are allowed.
- 6) ☒ Claim(s) 8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/9/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The phrase "confirmed that all of the residents returned home" in claims 8 and 10 is a relative phrase which renders the claim indefinite. The phrase " confirmed that all of the residents returned home " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The applicant did not clearly define how the number of house residents is determined and then confirmed? How does the system know how many members of the household should be expected and what happens in the situations when family has a guest who is temporally staying at their place? Uncertainty regarding the issue described above does not allow the examiner to clearly understand the scope and particular functions of the claimed invention.

4. Further in claim 8, the "end time setting" is also not defined. When is the end time, how the "specific time period" can be determined?

5. Finally in the last line of claim 8, the applicant discloses an elapsed time measuring unit, but the time interval that ought to be measured is not clearly indicated. In other words, if one person wants to measure the elapsed time, then in order to do it, first the starting time and the ending time has to be clearly defined.

6. Based on the deficiencies described above, pertaining to claims 8 and 10, the examiner interpreted the claims as follows: start time is set when few people return to the place, i.e. in the reference it is equivalent with starting a timer when the door is open to let the authorized individuals to enter the building, and the end time when certain period of time passes, which in the reference is considered as time when the door is closed.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dando (US Patent 6127926) in the view of Fufidio et al (US Patent 6720874). Dando teaches the security lighting apparatus as disclosed in claim 1, wherein the system comprises means for verifying an intruder as well as an authorized person (column 12, lines 53-67), however Dando does not specifically disclose that the times when the resident comes back or leaves are recorded. Fufidio on the other hand teaches an intrusion detection apparatus wherein the device comprises a home return determining unit for determining a return of a house resident back to a house

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(Figure 6, element 214, wherein the employee or an authorized personnel corresponds to the house resident), a start time setting unit for setting a start time of the specific time period as a confirmation hour at which it has been confirmed that all of house residents returned home (since circuitry taught by Fufidio can track employees, the apparatus is also capable of recording the time when all the residents (employees) enter the building (paragraph 3, figure 6, element 216); an end time setting unit for setting an end time of the specific time period, as a length of time passed from the confirmation hour; and an elapsed time measuring unit for measuring a length time passed from the confirmation hour (paragraph 3, since the apparatus is capable of tracking employees with respect to time, it is also capable of performing the function described above). It would have been obvious to one of the ordinary skill in the art during the time the invention was made to incorporate the tracking system (system recording authorized people entering and exiting an area) as taught by Fufidio into the security system as taught by Dando, because it would allow to increase the security in the building. For instance if some crime would take place, police could use the recorded data i.e. people entering building as well as the times when they were in the building, to investigate the crime. Such a system would be very useful not only in residential properties but also any kind of bureau (paragraph 3).

Allowable Subject Matter

9. Claims 2-7 and 9 are allowed.
10. The following is an examiner's statement of reasons for allowance:

As to claim 4, the prior art fails to teach a security lighting apparatus wherein the device comprises: a sunset detecting unit, a start time setting unit for setting a start and end times in the specific time period corresponding to the sunset.

As to claim 5, the prior art fails to teach the security lighting apparatus wherein the device comprises: a sunset detecting unit for detecting sunset; a sunrise detecting unit for detecting sunrise; a start time setting unit and an end time setting unit for setting the start and end times respectively based on the time of sunrise and sunset.

As to claim 6, the prior art fails to teach the security lighting apparatus wherein the device comprises: a sunset detecting unit for detecting sunset; a sunrise detecting unit for detecting sunrise; a past data accumulating unit for accumulating a predetermined number of past sunset/sunrise hours; a start time setting unit and an end time setting unit for setting the start and end times respectively based on the time of sunrise and sunset.

As to claims 2, 3, 7 and 9, those claims are allowed by the virtue of their dependency on claim 4.

11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

12. Applicant's arguments filed September 18, 2006 have been fully considered but they are not persuasive.

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13. The applicant's arguments stating that the prior art cited by the examiner does not teach confirmation that all of the house residents have returned home, is not persuasive because it is unclear how does the applicant obtain such a function. The specification does not disclose sufficient amount details which would allow one of the ordinary skill in the art to clearly establish, how the security system knows how many house member there are, because this number might change in certain circumstances, for instance children could leave for college, and they would not return to their residency frequently, how does the applicant account for all those fluctuations?

The Prior Art

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

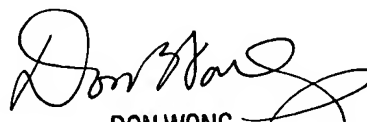
- US Patent 6204762 discloses remote guard presence system comprising an alarm system including flashing lights and sirens and sensors for recognizing an intruder.
- US Publication 20040036603 discloses a lighting security system comprising plurality of lights which turn on when intruder enters protected area, light pack also comprises imaging unit, timer processing element, motion sensors, audible activator.

Inquiry

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela M. Lie whose telephone number is 571-272-8445. The examiner can normally be reached on M-F.
16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Angela M Lie



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